

AUS920010628US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 06 2004

In re Application of:
Maria Azua Himmel, *et al.*

Serial No.: 09/942,786

Filed: August 30, 2001

Title: Shopping Cart Merchandise
Pickup§
§ Group Art Unit: 3625
§
§ Examiner: Gart, Matthew S.
§
§ Atty Docket No.: AUS920010628US1
§
§
§
§
§
§Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 703-872-9306 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:	
Date	<u>October 6, 2004</u>
<u>Catherine Berglund</u>	
Catherine Berglund	

RESPONSE TO OFFICE ACTION DATED JULY 6, 2004

Dear Sir:

Claims 1-33 are in the case. Applicants acknowledge with thanks the telephone conference with Examiner Gart on September 1, 2004. In accordance with that telephone conference, Applicants present the following remarks demonstrating that the case is in condition for allowance.

AMENDMENT

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2

11/29/2004 SWILLIN 00000011 090447 09942786
of this paper

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Conclusion

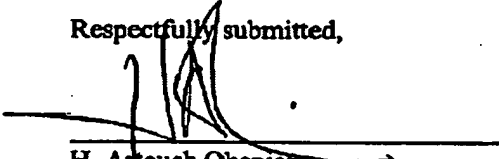
To anticipate claims 1-35, Mourad must disclose each and every element as set forth in the claims 1-35 and be an enabling disclosure of claims 1-35. Because Mourad does not disclose or place one of skill in the art in possession of a method for online shopping that includes a shopping cart that collects item information from the merchant web site prior to checkout and installing an already downloaded the electronic item through a merchandise pickup facility already installed on the client as claimed in independent claim 1, Mourad cannot anticipate claims 1-35. The rejection of claims 1-33 should be withdrawn and the case should be allowed. Applicants respectfully request the reconsideration of claims 1-33.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date: 10-6-04

By:



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PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2000

Application or Docket Number

9/942286
A05-920010628051

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	33	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	33 minus 20 =	13
INDEPENDENT CLAIMS	3 minus 3 =	0
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	35	33	2
Independent	3	3	0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

RATE	FEE
BASIC FEE	355.00
X\$ 9=	
X40=	
+135=	
TOTAL	

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	710.00
X\$18=	234
X80=	
+270=	
TOTAL	944

SMALL ENTITY TYPE ☐

RATE	ADDI-TIONAL FEE
X\$ 9=	
X40=	
+135=	
TOTAL	
ADDIT. FEE	

OR OTHER THAN SMALL ENTITY

RATE	ADDI-TIONAL FEE
X\$18=	36
X80=	
+270=	
TOTAL	
ADDIT. FEE	

RATE	ADDI-TIONAL FEE
X\$ 9=	
X40=	
+135=	
TOTAL	
ADDIT. FEE	

RATE	ADDI-TIONAL FEE
X\$18=	
X80=	
+270=	
TOTAL	
ADDIT. FEE	

RATE	ADDI-TIONAL FEE
X\$ 9=	
X40=	
+135=	
TOTAL	
ADDIT. FEE	

RATE	ADDI-TIONAL FEE
X\$18=	
X80=	
+270=	
TOTAL	
ADDIT. FEE	